



PERSONNEL HANDBOOK

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Amended:

POLICY CONTENTS

I. INTRODUCTION	5
II. PURPOSE AND GENERAL GUIDELINES	6
A. Purpose.....	6
B. Scope.....	6
C. Equal Opportunity Employment	6
D. Data Practices Advisory/Access to Personnel Files	7
E. Employee Status.....	7
F. Administration of this Policy	7
G. Savings Clause.....	7
H. Management Rights	7
III. DEFINITIONS.....	9
A. Employee	9
B. Benefits.....	9
C. Benefits-Eligible Employee.....	9
D. Department Head.....	9
E. Exempt Employee	9
F. Full-Time Employee.....	9
G. Intern	9
H. Non-Exempt Employee.....	9
I. Probationary Employee	10
J. Probationary Period	10
K. Part Time Employee	10
L. Temporary Employee.....	10
IV. EMPLOYEE CONDUCT	11
A. Conduct as a City Employee.....	11
B. Work Hours and Rest Periods.	11
C. Attendance and Absence.....	12

D. Emergency Closing of City Facilities	12
E. Dress.....	13
F. Employee Identification Cards.....	14
G. Use of Tobacco Products.....	15
H. Conflicts of Interest.....	15
I. Acceptance of Gifts.	15
J. Use of City Property.....	16
K. Personal Activities.....	17
L. Media Requests.....	18
M. Lawsuits Against the City.....	18
N. Safety	19
O. Drug-Free Workplace Policy	19
P. Drug Testing.....	19
Q. Workplace Violence Policy.....	22
R. Sexual Harassment Policy.	24
S. Performance Evaluations.	26
V. EMPLOYEE RECRUITMENT AND SELECTION	27
A. Scope.....	27
B. Selection Process.....	27
C. Applications.....	27
D. Pre-employment Background Check.....	27
E. Pre-employment Medical Exams.....	27
F. Awarding Accrued Leave at the Time of Hire.....	28
G. Probationary Employees.....	28
H. Temporary Appointments.....	29
I. Promotions.	29
J. Employment of Relatives.....	29
VI. POSITION DESCRIPTIONS, CLASSIFICATION AND COMPENSATION	30
A. Position Descriptions	30
B. Assigning and Scheduling Work.....	30

C. Position Classification and Compensation	30
D. Paydays.....	31
E. Direct Deposit.....	31
F. Pay Periods.	31
G. Overtime and Compensatory Time.....	32
H. FLSA Safe Harbor for Exempt Employees	32
I. Employees Holding Two or More City Jobs	33
VII. BENEFITS.....	34
A. Eligibility.....	34
B. Insurance	34
C. Deferred Compensation.	35
D. Retirement Benefits.	35
E. Phased Retirement.	35
F. Post-Employment Health Savings Plans	35
G. Continuing Education/Tuition Reimbursement.	36
H. Conferences and Seminars.....	37
I. City Reimbursement of Travel Costs.....	38
J. Membership Fees.....	41
VIII.HOLIDAYS	42
A. Eligibility.....	42
B. Pay for Holidays Worked.....	42
C. Designated Holidays.	42
D. Floating Holiday.....	43
IX. LEAVES.....	44
A. Vacation Leave.	44
B. Sick Leave.....	45
C. Bereavement Leave.....	46
D. Family & Medical Leave.....	47
E. Bone Marrow Donor Leave.....	51
F. Leave Donation Policy.....	51

G. Parenting Leave.	54
H. School Conference and Activities Leave.....	56
I. Voting Leave.....	56
J. Jury or Witness Duty.....	56
K. Military Leave.....	57
L. Unpaid Leaves of Absence.....	58
M. Absence Without Leave.	59
X. DISCIPLINE & GRIEVANCE.....	60
A. Discipline Policy.	60
B. Grievance Policy.	62
XI. SEPARATION	64
A. Discharge.....	64
B. Resignation.	64
C. Retirement.	64
D. For Disciplinary Reasons.	64
E. Severance Pay of Unused Sick Leave.....	64
F. Compensatory Time.....	65
G. Vacation Time.....	65
H. Lay-offs.....	65
I. Involuntary Separation Pay for Long Term Employees.....	66

I. INTRODUCTION

The Mission of the City of Shakopee is to “provide the opportunity to live work and play in a community with a proud past, promising future and small-town atmosphere within a metropolitan setting. The city strives to provide customer-friendly, high-quality public services that are intended to meet the changing needs of our residents and the community at-large.”

As city employees, the best interests of Shakopee’s residents, businesses, and visitors, and respect for the democratic process must guide our work and be placed at the forefront of everything we do. Working in the public sector is not always easy – it frequently entails increased levels of public scrutiny, limited financial resources, and specific rules and regulations not found elsewhere. However, it also provides the opportunity to work on interesting and meaningful projects and contribute to the betterment of the community as a whole that is unavailable to many non-public service jobholders.

As a city employee, you are expected to conduct yourself both on and off the job in a manner that demonstrates pride in your work and respect for the public trust that has been placed in you. Employees are expected to work hard, be honest, assist fellow employees and the public, apply common-sense and respect others.

In return, the city strives to provide a flexible, family-friendly workplace, competitive pay and benefits, and opportunities to expand your knowledge and skills.

The operation of a city requires many people, working in a wide range of positions. The knowledge, skills and hard-work of city employees is essential to our community’s continued prosperity. We value your contribution and your decision to work for the City of Shakopee.

II. PURPOSE AND GENERAL GUIDELINES

A. Purpose.

To establish a uniform and equitable system of personnel administration for employees of the City of Shakopee. It should not be construed as contract terms for any city employees.

No supervisor or city representative has any authority to enter into any agreement for employment for any specific time period, or to make any agreement contrary to this policy. Nothing in this or other city policies; constitutes a contract of employment for any city employee.

This policy is not intended to cover every situation that might arise and can be amended at any time at the sole discretion of the city. This policy supersedes all previous personnel policies. As an employee, you are responsible for complying with current city policies at all times.

B. Scope

This policy applies to all employees of the city. Except where specifically noted, it does not apply to:

- Elected officials
- City attorney
- Members of city boards, commissions, and committees
- Consultants and contractors
- Volunteers

If any specific provisions of this policy conflict with any current union agreement or civil service rules, the union agreement or civil service rules will prevail. Union employees are encouraged to consult their collective bargaining agreement first for information about their employment conditions. Nothing in these policies is intended to modify or supersede any applicable provision of state or federal law.

Departments may have special work rules for that department. Each employee will be given a copy of such work rules by the department upon hiring and such rules will be further explained, and enforcement discussed with the employee by the immediate supervisor.

C. Equal Opportunity Employment

The City of Shakopee is committed to providing equal opportunity in all areas of employment, including but not limited to recruitment, hiring, demotion, promotion,

transfer, recruitment, selection, lay-off, disciplinary action, termination, compensation and selection for training. The City of Shakopee will not discriminate against any employee or job applicant on the basis of race, color, creed, religion, national origin, sex, sexual orientation, disability, age, marital status, or other unlawful reasons.

D. Data Practices Advisory/Access to Personnel Files

Personnel data is retained in personnel files, finance files, and benefit/medical files. Information is used to administer employee salary and benefit programs, process payroll, complete state and federal reports, document employee performance, etc. Employees have a right to know what data is retained, where it is kept, and how it is used. All employee data will be received, retained, and disseminated according to the Minnesota Government Data Practices Act.

Upon written request, the city shall provide the employee with an opportunity to review the employee's personnel record, as provided by Minn. Stat. Sec. 181.960 et seq. Unauthorized viewing, removal, alteration, or destruction of all or any part of an employee's personnel file is prohibited.

E. Employee Status.

City employees may be disciplined and discharged for just cause as prescribed in this policy. Probationary employees, as defined and described below, are employees at will and may be discharged at any time for any reason.

F. Administration of this Policy

The City Administrator is responsible for this policy and may enact procedures, develop documentation, and delegate as needed.

With the approval of the City Administrator, department heads may establish department and division specific personnel related standard operating procedures provided such procedures do not conflict with any provision in this policy.

G. Savings Clause

In the event any provision of this policy shall be held to be contrary to law by a court of competent jurisdiction, from whose final judgment or decree no appeal has been taken within the time provided or is contrary to an administrative ruling or is in violation of legislation or administrative regulations, such provision shall be null and void. All other provisions shall continue in full force and effect.

H. Management Rights

The city retains the full and unrestricted right to operate and manage all personnel, facilities, and equipment; to establish functions and programs; to set and amend

budgets; to determine the utilization of technology; to establish work schedules, and to perform any inherent managerial function not specifically limited by current collective bargaining agreements and state and federal statutes.

III. DEFINITIONS

For purposes of this policy, the following terms shall have the following definitions.

A. Employee

Any individual who works for the city except the following:

- Elected officials,
- Members of city boards, commissions and committees,
- Independent contractors, including the city attorney; and
- Volunteers.

B. Benefits

Includes, but is not limited to, medical, dental, life and long-term disability insurance, post-employment health care savings accounts, paid vacation, sick leave and holidays, and tuition assistance.

C. Benefits-Eligible Employee

Any non-seasonal employee who is regularly scheduled to work 30 hours per week or more. Temporary and seasonal employees are not eligible for benefits, regardless of the number of hours worked.

D. Department Head

Department Heads include: Assistant City Administrator, Planning and Development Director, Finance Director, Police Chief, Fire Chief, Public Works Director, and Parks and Recreation Director.

E. Exempt Employee

An employee who is exempt from the overtime provisions under the Federal Fair Labor Standards Act ("FLSA").

F. Full-Time Employee

An employee normally scheduled to work consecutive, regular workweeks of at least forty (40) hours.

G. Intern

A high school or post-secondary student appointed for an indefinite period of time in order to gain experience in a particular field of study. Interns may be either paid or unpaid and are not eligible for benefits.

H. Non-Exempt Employee

An employee who is eligible for overtime compensation under the FLSA.

I. Probationary Employee

An employee who has not yet completed the required probationary period.

J. Probationary Period

The first twelve (12) month period after an employee is hired, promoted, transferred, re-employed, or reinstated to a position.

K. Part Time Employee

An employee who works less than forty hours per week.

L. Temporary Employee

An employee who is appointed for a limited time, normally not to exceed six months, for seasonal work, special projects, or during heavy workload periods. Also referred to as a "Seasonal Employee."

IV. EMPLOYEE CONDUCT

A. Conduct as a City Employee

Employees are representatives of the city and have responsibility to assist and serve the public. Employees should exhibit conduct that is ethical, professional, responsive, and of standards becoming a city employee. To achieve this goal, employees must adhere to established policies, rules, and procedures and follow the instructions of their supervisor. The following values are important to our job of serving our citizens:

1. Commitment to excellence. Each employee is expected to perform their assigned duties to the best of their ability at all times.
2. Excellence in customer service. Each employee is expected to strive to provide efficient, effective, and equitable service to the citizens of Shakopee, and within the city organization.
3. Reinforcing a supportive atmosphere. Each employee is expected to be motivated, professional, courteous and respectful in working with citizens, co-workers and partners.
4. Continuously improving and innovating. Each employee is responsible for identifying opportunities for improvement and innovation and working through appropriate channels to implement improvements to advance the City of Shakopee.
5. Working together to deliver public value. Each employee is expected to work collaboratively with co-workers, citizens and partners toward shared outcomes to deliver the best possible results for the City of Shakopee.

B. Work Hours and Rest Periods.

1. Work Hours. The regular workweek for full-time, non-union employees is Monday through Friday from 8:00 a.m. to 4:30 p.m., with a one-half hour unpaid lunch break; except as otherwise established by the department head in accordance with the custom and needs of the department. Every employee shall be ready to begin actual operations at the employee's place of work at the specified starting time.
2. Rest Periods. Each employee may take a 15-minute paid rest period for each four hours that they work. Each department head may schedule rest periods so as not to interfere with work requirements.

3. Overtime. Employees must receive approval from their supervisor prior to working overtime and have an obligation to work overtime as requested by their supervisors. Supervisors will make reasonable efforts to balance the personal needs of employees when assigning overtime work, however, repeated refusal to work overtime may result in disciplinary action.
4. Non-exempt employees are not permitted to work “off the clock”. Non-exempt employees must accurately record and report actual hours worked to ensure compliance with FLSA and proper compensation.

C. Attendance and Absence.

The operations and standards of service in the City of Shakopee require that employees be at work unless valid reasons warrant their absence. Employees who are going to be absent from work are required to notify their supervisor (or the supervisor’s designee) as soon as possible, in advance of the absence. In case of an unexpected absence, employees should notify their supervisor (or designee) before the scheduled starting time and keep in mind the following procedures:

- If the supervisor is not available at the time, the employee should leave a message that includes a telephone number where he/she can be reached and/or contact any other individual who was designated by the supervisor.
- The employee must call the supervisor on each day of an absence extending beyond one (1) day, unless arrangement otherwise have been made with the supervisor.
- Employees who are absent for three (3) days or more, and who do not report the absence in accordance with this policy, will be considered to have voluntarily resigned not in good standing.
- The city may waive this rule, if extenuating circumstances warrant such behavior.
- Failure to use the established reporting process will be grounds for disciplinary action.

This policy does not preclude the city from administering discipline for unexcused absences of less than three (3) days.

D. Emergency Closing of City Facilities

In cases where the City Administrator determines that circumstances exist which pose a threat to the safety of employees and public patrons, or which prohibit the normal use of the city’s facilities, he or she may order the closing of such facilities. Employees unable to report to work as a result of an emergency closing may record the time missed as vacation or comp time or may take the time as unpaid leave if they do not have sufficient paid leave available.

E. Dress.

The dress and appearance of city employees is a direct reflection on the professionalism of our services. City employees meet with the public everyday as part of the regular workday. A neat, well-groomed and appropriately dressed employee will present a positive image of the city and demonstrate the pride of our city employees.

At all times, regardless of the style of clothing that is worn, clothing must be clean, neat and free of holes, tears, fraying, patches, signs of wear or excessive wrinkles or noticeable stains. Any clothing that, by fit or design, is revealing or provocative is not suitable for our business environment. If one's attire is most appropriate for the gym, tennis court, beach or nightclub, it is not appropriate in a business environment.

When in doubt about the appropriateness of any attire, leave it out of the work wardrobe. Employees are expected to use good judgment.

1. Non-uniformed Personnel.

a. Employees Working Primarily in an Office Setting:

The following are some examples of acceptable clothing for employees who work in the office environment:

- Shirts with collars or buttons, sweaters, vests, blazers, jackets, blouses, knit tops, turtlenecks, business suit, skirt and blouse, business dress
- Dress slacks/trousers, Docker-type khaki or twill casual pants
- Casual flat shoes, loafers, dressy sandals in the warm weather months (not athletic or sport sandals).

b. Employees Working in a Construction, Recreation or Similar Setting: For employees who work in the field, such as Engineering Technicians, Building Inspectors and Facilities Maintenance staff, or who provide recreational programming, some examples of acceptable clothing include:

- All the items mentioned above, except no open toed shoes.
- Like-new denim jeans
- T-shirts or sweatshirts without prominent slogans, advertising, or printing
- Like-new tennis/athletic shoes, unless prohibited by OSHA Rules
- Knee length dress/walking shorts

c. Examples of Unacceptable Dress

The following are some examples of unacceptable appearance for employees, regardless of their job function:

- Inattention to personal hygiene/cleanliness
- Shorts (except knee-length dress/walking shorts, as listed in section b above) or spandex clothing
- Tube tops, halter tops, muscle shirts and T-shirts with slogans
- Athletic apparel including jogging suits and sweatpants
- Undergarments as outerwear
- Bib-overalls
- Mini-skirts
- Sweat bands, caps, or hats worn indoors
- Any clothing with derogatory printed messages or graphic design
- Flip-flops or other unprofessional footwear including worn-out athletic shoes
- Clothing that is revealing, outlandish or body hugging such as spandex.
- Clothing that is worn, faded or in disrepair.

If health conditions exist which require an employee to wear an item listed as unacceptable, please consult with your supervisor.

These examples are intended only as a guide and are not all-inclusive.

2. Uniformed Personnel. Uniforms, which are provided to some city employees, are expected to be neat, fresh and clean when reporting to duty. Uniforms should not be worn during off-duty hours. Each department is responsible for employees following regulations regarding uniforms, related accessories and equipment.
3. Casual Fridays. Fridays are designated as “casual day” in City Hall and the Community Center. On these days, nice jeans, t-shirts and sweatshirts, knee-length walking shorts and clean athletic shoes may be worn, but not the other items on the above list. Employees who take Friday off cannot substitute any other day of their choice as a “casual day.”
4. Administration of Dress Code. Employees reporting to work in attire, which, at the discretion of their supervisor, Department Head or the City Administrator, is not befitting a professional image, shall be warned that such clothing is not to be worn again. An employee who continues to report to work in inappropriate attire will be sent home to change clothes. The employee will not be paid during the time required to return home and change clothes.

F. Employee Identification Cards.

All employees shall be issued employee identification cards. Each employee is responsible for having their identification card in their possession always while

working and shall protect it from loss, theft or misuse. At any time while on duty or on City premises, employees shall produce their identification card at the request of any member of the public. Unauthorized or inappropriate use of the employee identification card is prohibited and will be subject to discipline.

G. Use of Tobacco Products.

The use of tobacco products is not permitted in any City building or vehicle or on City grounds except as follows:

- Police Department. Persons under extreme stress who come into the police department, such as defendants and witnesses, may be allowed to smoke.
- Break Time. Employees may only use tobacco products on their break time and in designated areas only.

H. Conflicts of Interest.

City employees must be exceedingly careful to avoid a conflict of interest or even the appearance of a conflict of interest. Therefore, a City employee, acting in the employee's official capacity, may not transact official City business with a family member, or with a business or person with whom that employee has a financial interest or involvement.

Employees shall not enter a relationship with a vendor where the employee's actions are, or may reasonably be viewed as, not in the best interests of the city. An employee who becomes involved in a possible conflict situation must report the possible conflict to the employee's supervisor and department head. If there is a question about whether or not a conflict exists, please consult with the City Administrator.

I. Acceptance of Gifts.

1. General Rule. Pursuant to Minnesota Statutes section 471.895, no employee shall request, solicit, or accept a gift from any person or representative of a person or association that has a direct financial interest in a decision that the employee or the city is authorized to make, except as permitted under Minn. Stat. Sec. 471.895, Subd. 3.

Employees should courteously decline all offers of gifts and gratuities.

2. Consult with Supervisor. Exceptions to the prohibition against gifts are rare. If an employee has any doubt about the propriety of a gift, the employee shall report the gift to his or her supervisor immediately.
3. Exceptions. The prohibition in this section does not apply if the gift or gratuity is one of the following:

- contribution as defined in Minnesota Statutes section 211A.01, subdivision 5;
- services to assist an official in the performance of official duties, including but not limited to providing advice, consultation, information, and communication in connection with legislation, and services to constituents;
- services, trinket or memento of insignificant monetary value;
- a plaque or similar memento recognizing individual services in a field of specialty or to a charitable cause;
- informational material of unexceptional value;
- food or a beverage given at a reception, meal, or meeting away from the recipient's place of work by an organization before whom the recipient appears to make a speech or answer questions as part of a program;

The prohibitions in this section also do not apply if the gift is given:

- because the recipient's membership in a group and a majority of members are not local officials, and an equivalent gift is given to the other group members; or
- by an interested person who is member of the family of the recipient, unless the gift is given on behalf of someone who is not a member of that family; or
- by a national or multi-state organization of governmental organizations or public officials, if a majority of the dues to the organization are paid from public funds, to attendees at a conference sponsored by that organization, if the gift is food or a beverage given at a reception or meal and an equivalent gift is given or offered to all other attendees.

J. Use of City Property.

1. **City Property.** No employee shall negligently lose, damage, or waste city property. No employee shall use city property for anything other than city work without the prior explicit permission of the employee's department head. All such property must be returned and accounted for by any employee leaving employment with the city in order to resign in good standing.
2. **City Vehicles.** City vehicles may be used for official business only, although they may be used for meals while the employee is otherwise driving about on city business. The Police Chief, Fire Chief, and other officials or employees approved by the City Council, may use a city vehicle for commuting as well as for official city business, so that they have a vehicle available for emergency responses.
3. **City Name.** No employee may use the employee's job title or the city name to further personal or political goals. Job titles and reference to the city may be used only for official city business.

K. Personal Activities.

1. **Outside Employment.** Employees must devote all work time to city business. No work relating to outside employment may be performed during work time. Employees must notify their supervisor of any outside employment. If the outside employment constitutes an irreconcilable conflict, as determined by the City Administrator, the employee must resign from either their city position or the outside employment.
2. **Soliciting.** All employee-to-employee solicitation on city property for products, services or causes is limited to two weeks in length and must be conducted: a) on break or meal time; b) in the lunchroom or break area of the worksite; c) in writing with the use of sign-up sheets or self-serve displays (no verbal presentations) or the city's intranet site; and d) only for non-profit organizations or causes or small personal items for sale.

Employees are not permitted to market, sell or promote products or services related to on-going business ventures outside of city employment. The City Administrator may approve waivers on a case by case basis for special occasions such as the city employee health fair or wellness events.

3. **Political Activities.** As provided in Minn. Stat. Sec. 211B.09, an employee or official of the city may not use official authority or influence to compel a person (1) to apply for membership in or become a member of a political organization, (2) to pay or promise to pay a political contribution, or (3) to take part in political activity.
4. **Personal Communications and Use of Social Media.** It is important for city employees to remember that the personal communications of employees may reflect on the city, especially if employees are commenting on city business. The following guidelines apply to personal communications, including various forms such as social media (Facebook, Twitter, blogs, YouTube, etc.), letters to the editor of newspapers, and personal endorsements:
 - Remember what you write or post is public and will be so for a long time. It may also be spread to large audiences. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information or photos you would not want your boss or other employees to read, or you would be embarrassed to see in the newspaper. Keep in mind harassment, bullying, threats of violence, discrimination, or retaliation that would not be permissible in the workplace is not permissible between co-workers online, even if it is done after hours, from home and on home computers.

- The City of Shakopee expects its employees to be fair, courteous, and respectful to supervisors, co-workers, citizens, customers, and other persons associated with the city. Avoid using statements, photographs, video or audio that reasonably may be viewed as malicious, obscene, threatening or intimidating, disparaging, or might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of sex, race, national origin, age, color, creed, religion, disability, marital status, familial status, veteran status, sexual orientation, gender identity, or gender expression, status with regard to public assistance or membership or activity in a local human rights commission.
- If you publish something related to city business, identify yourself and use a disclaimer such as, "I am an employee of the City of Shakopee. However, these are my own opinions and do not represent those of the City of Shakopee."
- City resources, working time, or official city positions cannot be used for personal profit or business interests, or to participate in personal political activity. Some examples: a building inspector could not use the city's logo, email, or working time to promote his/her side business as a plumber; a parks employee should not access a park after hours even though he or she may have a key; a clerk, while working at City Hall, should not campaign for a friend who is running for City Council.
- Personal social media account name or email names should not be tied to the city (e.g., (city name) Cop).

L. Media Requests

All city employees have a responsibility to help communicate accurate and timely information to the public in a professional manner. Requests for private data or information outside of the scope of an individual's job duties should be routed to the appropriate department or to the data practices authority. The city maintains a media relations policy that all employees must be aware of and follow accordingly.

M. Lawsuits Against the City.

All questions pertaining to lawsuits shall be referred to the City Administrator. All city employees must promptly notify their supervisor in the case of incidents, which reasonably may be expected to result in a lawsuit. The supervisor must promptly report the incident, in writing, to the City Administrator.

N. Safety

1. In General. Employees must take proper precautions to prevent accidents and work safely. Employees shall follow safe practices and all safety regulations concerning their job. Injuries should be reported immediately to the employee's supervisor. Any employee who notices an unsafe condition must immediately report it to the employee's supervisor.
2. Hazardous Substances. Any employee routinely exposed to hazardous substances or harmful physical agents as defined in Minnesota Statutes Chapter 182 shall be trained before being assigned or reassigned to work exposing the employee to such substances or agents and shall be given training annually thereafter. Training shall include an explanation of how and where information about hazards is stored in the workplace, how the hazards are labeled, and where to obtain specific information. Department heads shall provide for such training and for compliance with the "Minnesota Employee Right to Know Act of 1983," including the establishment of specific policies to insure compliance with the state law and regulations. An employee acting in good faith has the right to refuse to work under conditions that the employee reasonably believes present an imminent danger of death or serious physical harm to the employee.

O. Drug-Free Workplace Policy

1. In General. The city intends to provide a drug-free, safe, and secure work environment. No employee may be under the influence of, use, manufacture, possess, sell, or transfer drugs or alcohol while the employee is working or on city property or operating a city vehicle, machinery, or equipment, except to the extent authorized by a valid medical prescription, or when engaged in authorized Police Department activities. This Policy shall be interpreted consistently with Minn. Stat. Sec. 181.950 et seq. and applicable federal law.
2. Reporting. Employees must report, to their department head, any conviction under a criminal drug statute for violations occurring on or off work premises during the employee's workday or while conducting city business. A report of the conviction must be made within five days after the conviction as required by the Federal Drug-free Workplace Act of 1988.

P. Drug Testing

1. Types of Testing. Employees are subject to drug and alcohol testing in the following circumstances:

- a. Job Applicant Testing. The city may require that all applicants who have received conditional offers of employment undergo drug and alcohol testing. If the offer of conditional employment is subsequently withdrawn, the city will notify the applicant of the reason for the withdrawal.
 - b. Routine Physical Examination Testing. Any employee may be required to undergo drug and alcohol testing as part of a routine physical examination. The drug or alcohol test will be requested no more than once annually, and the employee will be given at least two weeks' written notice that the test shall be required as part of the examination.
 - c. Random Testing. An employee in a position in which impairment caused by drug or alcohol usage would threaten the health or safety of any person may be required to undergo random drug and alcohol testing. In addition, employees who are required to have a commercial driver's license are subject to random testing as required by federal law and the city's policy.
 - d. Reasonable Suspicion Testing. Any employee may be required to undergo drug and alcohol testing if there is a reasonable suspicion that the employee: (a) is under the influence of drugs or alcohol; or (b) has engaged in the use, possession, sale, or transfer of drugs or alcohol while the employee is working or while the employee is on City property or operating a city vehicle, machinery, or equipment; or (c) has sustained a personal injury arising out of and in the course of employment, or caused another person to sustain a personal injury; or (d) has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.
 - e. Treatment Program Testing. Any employee may be required to undergo drug and alcohol testing if the employee has been referred by the city for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program under the city insurance, in which case the employee may be requested or required to undergo drug or alcohol testing without prior notice during the evaluation or treatment period and for a period of up to two years following completion of any prescribed chemical dependency treatment program.
2. Testing Procedure. Any department head or the City Administrator may order drug and alcohol testing. Before undergoing drug or alcohol testing, the employee shall complete a form (1) acknowledging that the employee has been given a copy of the city's drug and alcohol policy, and (2) indicating consent to undergo the drug and alcohol testing.

3. **Testing Laboratory.** A laboratory meeting all requirements of state law, including those set forth in Minn. Stat. Sec. 181.953, shall handle all drug and alcohol testing.
4. **Test Results.** Within three days of obtaining the final test results, the testing laboratory shall provide the city with a written report indicating the drug(s), alcohol, or their metabolites tested for, the types of test conducted, and whether the test produced negative or positive test results.

Within three working days after receipt of the test result report, the city shall inform the employee in writing of a negative test result on an initial screening test, or of a negative or positive test result on a confirmatory test.

5. **Rights of Employees and Job Applicants.** Employees and applicants have a right to request and receive a copy of the test result report. If an employee or applicant tests positive for drug use, the city will give written notice of the right to explain the positive test.

Within three working days after notice of a positive test result on a confirmatory test, the employee or applicant may submit information to the city to explain that result or may, within five working days after notice of the positive test result, request a confirmatory retest at the employee's or the applicant's own expense. If the confirmatory retest does not confirm the original positive test result, the city will not take any adverse personnel action against the employee or applicant based on the original confirmatory test and will reimburse the employee for the expense of the retest.

6. **Consequences for Refusal to Test.** Employees and job applicants have the right to refuse to undergo drug and alcohol testing. However, failure to comply with the city's drug and alcohol policy, and refusal to take a drug and alcohol test upon request shall subject an employee to discipline, including discharge. If an applicant refuses to test, the job offer will immediately be withdrawn.

7. Discipline. An employee who has a positive test result on a confirmatory test, when this is the first such result for the employee, will be subject to discipline but shall not be discharged unless (1) the employee has been given an opportunity to participate in either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the city after consultation with a certified chemical use counselor or a physician trained in the diagnosis and treatment of chemical dependency, and (2) the employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program as evidenced by withdrawal from the program before its completion or a positive test result on a confirmatory test after completion of the program.

Participation in the specified program will be at the employee's own expense or pursuant to coverage under the city's insurance. All other employees obtaining a positive test result will be subject to discipline including discharge.

8. Classification of Data. Test result reports are private data on individuals as defined by Minnesota Statutes Chapter 13.

Q. Workplace Violence Policy.

Violence, or the threat of violence, has no place in any of the City of Shakopee's work locations. It is the goal of the city to rid worksites of violent behavior or the threat of such behavior. It is the shared obligation of all employees, law enforcement agencies, and employee organizations to individually and jointly act to prevent or defuse actual or implied violent behavior at work.

Violence, or the threat of violence, by or against any employee of the City of Shakopee or other person is unacceptable and contrary to city policy and will subject the perpetrator to serious disciplinary action and possible criminal charges. The city will work with law enforcement to aid in the prosecution of anyone outside of the organization who commits violent acts against an on-duty employee.

1. Prohibited Conduct. The city will make every reasonable effort to keep its employees as safe as possible and will not tolerate acts of violence. Acts of violence include, but are not limited to, the following:
 - a. Causing physical injury to another person;
 - b. Making threatening remarks, swearing and gestures;
 - c. Aggressive, hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;

- d. Intentionally damaging or threatening to damage employer property or the property of another employee; or member of the public;
 - e. Possession of a weapon while on city property or while on city business;
 - f. Sexual harassment, domestic violence or other offensive behavior;
 - g. Deliberate or careless conduct endangering the safety of other employees.
2. On-the-Job. There are situations where relationships between employees, or between an employee and their supervisor, result in strong negative feelings by the individuals involved. Any person involved in situations where they fear that physical retaliation may take place, or where someone made verbal threats of physical violence, should immediately discuss it with their supervisor, department head or the City Administrator. Employees involved in fighting or making verbal threats will be disciplined, up to and including dismissal.
3. Dealing with the Public. Similar situations could occur in employee contacts with the public. While the city has a strong commitment to customer service, the city does not intend for employees to be subjected to verbal abuse by any customer. A supervisor, or police officer, should be requested to intervene when a customer is abusive. If there is a concern over the possibility of physical violence, the employee should discuss it with their supervisor.
4. Off-the-Job. An employee may be involved in a personal, non-criminal dispute with family members or acquaintances. If the situation escalates, individuals sometimes secure an "Order of Protection" or an "Injunction Against Harassment" or similar orders from the court. If an employee requests a court order, he or she should include the work location in the order. The employee should inform his or her supervisor of the order and provide a description of the individual cited in the order.

Even in the case where an employee has not secured a court order but fears for his or her safety, the employee should call 911 and inform his or her supervisor as soon as practical.

5. City Response. When any of the above situations is brought to the attention of a department head or the City Administrator, an evaluation of the severity of the situation must be made immediately. If it is concluded violence could result, management shall:

- a. Discuss the situation with employees who are likely to come in contact with the person. Management will provide a description of the subject and instructions on actions to be taken if the person comes to the worksite.
 - b. In all cases, if there is an immediate need for Police Department intervention, call 911.
6. Possession and Use of Dangerous Weapons by Employees. In the interest of maintaining a workplace that is safe and free of violence, except as hereinafter provided, possession or use of dangerous weapons, except where such possession or use is specifically required as part of the employee's job duties, is strictly prohibited on City property, in City vehicles, or in any personal vehicle being used for City business.
7. Dangerous Weapons Defined. A dangerous weapon is any instrument capable of producing bodily harm, and that manifests an intent to harm or intimidate another person or that warrants alarm for the safety of another person.
8. Exceptions to Dangerous Weapons Prohibitions. Employees of the City of Shakopee may possess a firearm on City property only if they are engaged in military or law enforcement activities

Additionally, City staff utilizes certain equipment that would be considered dangerous weapons if used improperly. The City needs this equipment for the efficient operation of various departments. However, every reasonable effort will be made to train employees on the proper use of equipment. Furthermore, any employee using City equipment for anything other than its intended use will be subject to disciplinary action.

R. Sexual Harassment Policy.

1. Policy. The City is committed to providing a work environment that is free of discrimination and unlawful harassment. All employees are to enjoy a safe work environment free from unreasonable interference, intimidation, hostility, or offensive behavior on the part of supervisors, co-workers, or visitors. Sexual harassment in any form against any employee or member of the public will not be tolerated.

2. **Definition.** Sexual harassment is unlawful under federal statute Title VII of the Civil Rights Act of 1964 as well as under Minnesota Statutes Chapter 363A. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually-motivated physical contact, or other verbal or physical conduct or communication of a sexual nature, when:
 - a. Submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of an individual's employment; or
 - b. Submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or
 - c. The conduct or communication has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
3. **Supervisory and Administrative Responsibility.** No supervisor shall engage in sexual harassment. If any discriminatory or unreasonable conduct is observed by a supervisor, the supervisor must ask the offending person or people to stop immediately and advise that discipline will follow if the behavior continues. Supervisors, who become aware of violations of the sexual harassment policy and fail to take appropriate action, will be subject to disciplinary action. All incidents or recurrences should be reported as described below.
4. **Employee Responsibility.** Employees shall conduct themselves in accordance with this policy and shall assist supervisors and department heads in maintaining a work environment free from sexual harassment. Any offensive conduct should be substantiated to the extent possible. Employees are encouraged to inform the offending person(s) that the employee finds the conduct offensive and request that it stop. The employee shall also immediately report any offensive conduct or incident of harassment to the department head or the City Administrator, as described below.

5. Complaints. In order for the City to address offensive or harassing conduct, such conduct must be promptly brought to the City's attention. Complaints of sexual harassment shall be dealt with fairly and evenhandedly. The dignity of all the parties involved shall be considered. Any employee, who believes that he or she has been harassed, or has witnessed sexual harassment, should promptly report the facts of the incident or incidents and the names of the individuals involved to the employee's department head, or to the City Administrator. Department heads shall immediately report any and all such complaints to the City Administrator and, if appropriate, may assist in investigating the complaint. If a department head is the alleged perpetrator, complaints should be made directly to the City Administrator. If the City Administrator is the alleged perpetrator, complaints should be made to the Assistant City Administrator.
6. Investigation and Resolution. If deemed appropriate by the City Administrator, the City may conduct an investigation of the complaint. The investigation may include interviews with all relevant individuals and will be conducted in such a manner as to attempt to preserve the confidentiality and rights of all parties. The City will not retaliate against any employee who makes a report of sexual harassment, nor will it tolerate retaliation by any employee against the reporting employee. Employees who engage in retaliatory conduct may be subject to disciplinary action. Any employee who makes a false report of sexual harassment or gives false information during an investigation may also be subject to disciplinary action. Upon review of the results of the investigation, if there is one, the City Administrator may recommend:
 - a. Counseling and/or training with affected employees to ensure understanding of what is prohibited, as well as the seriousness of the issue and the City's commitment to deal with violations of this policy;
 - b. Discipline, including discharge.

S. Performance Evaluations.

City employees' performance shall be evaluated by their immediate supervisor and/or department head at least annually for the purpose of communicating strengths and weaknesses to the employee, as they relate to fulfilling the position duties and responsibilities.

V. EMPLOYEE RECRUITMENT AND SELECTION

A. Scope

The City will hire and promote employees in accordance with this policy. The city administrator or designee will manage the hiring process for all positions within the city. All hires will be made according to merit and fitness related to the position being filled.

The city administrator is the final authority regarding recruitment, selection and promotion of employees except department heads, police captains and police sergeants. The city administrator must recommend and the city council must approve the hire of department heads, police captains, police sergeants and new hires where the wage or salary is above the mid-point of the compensation schedule for the position.

B. Selection Process

The selection process will be a cooperative effort between the city administrator or designee and the hiring supervisor, subject to the final hiring authority of the city administrator or City Council. Any, all, or none of the candidates may be interviewed.

The city has the right to make the final hiring decision based on qualifications, abilities, experience and City of Shakopee needs.

C. Applications.

All applicants for a position with the city must complete an application form. Any applicant giving false information or making false or misleading statements on the application or any application materials shall not be considered for the position or will be subject to immediate discharge.

D. Pre-employment Background Check.

In accordance with federal, state, and local law, the City may conduct a pre-employment background check, including, but not limited to, a criminal record check of candidates for employment. This pre-employment background check may include a credit check, depending on the job duties of the position being filled.

E. Pre-employment Medical Exams.

After a written conditional offer of employment is made, the City may require the candidate to take and pass a pre-employment exam, including a drug/alcohol test. Successful completion of other pre-employment screenings, such as a physical or psychological testing, may be required depending on the nature of the position. Examples of individuals required to undergo pre-employment (or pre-promotional) psychological testing include those applying for positions with the Police and Fire

Departments, as well as those being considered for upper level supervisory or management roles, such as Department Heads.

Candidates for a position as a Police Officer, Community Service Officer, Maintenance Operator, Mechanic or Firefighter shall also be required to successfully complete a functional capacity evaluation, physically demonstrating their ability to perform the essential functions of the position.

F. Awarding Accrued Leave at the Time of Hire.

At the time of hire, the city administrator may grant a new employee a total of 160 hours of accrued vacation and/or sick leave, or authorize the accrual of vacation at a rate up to the rate established for employees with 6 – 15 years of experience under the City's vacation policy, if it is deemed necessary to do so in order to attract the most well qualified candidate. The City Council may approve a greater grant of accrued leave or faster accrual of leave.

G. Probationary Employees.

1. Probationary Period. All employees shall be required to successfully complete a 12-month probationary period when they are first hired, re-employed, or reinstated to a position. All employees who are promoted, demoted, and transferred shall be required to successfully complete a 6-month probationary period. This intensive review period shall be utilized for observing the employee's work, for securing the most effective adjustment of the employee to a position, and for rejecting an employee whose performance does not meet the required work standards.
2. Extension. The probationary period may be extended for an additional six (6) months at the City Administrator's discretion. Any employee who has his or her probationary period extended, shall not be eligible for a wage step-increase until such time as the probationary period has been successfully completed. In cases where the probationary period is extended, the employee's anniversary date for the purpose of future step increases shall be the date the probationary period is successfully completed.
3. Discharge. The city administrator may discharge an employee at any time during the probationary period, with or without just cause. An employee so discharged shall be notified in writing and shall not have the right to appeal, subject to the rights of veterans.
4. Completion. The city administrator shall be responsible for determining successful completion of probationary periods.

H. Temporary Appointments.

Whenever a position is vacant or the position holder is absent for two-consecutive pay periods or more, the City Administrator may designate an individual to temporarily fill the vacant position as "Acting." If the city administrator determines it is appropriate, and budgeted funds are available; the city administrator may approve a temporary pay increase for "acting" positions of no more than 5% of the employee's current salary to recognize extra duties related to the "acting" position.

I. Promotions.

1. **Abolition of Current Position.** The City Administrator or City Council may abolish a position and promote an employee into a similar, more responsible, position in the same or related department. In this instance, the procedures for filling a vacant position need not be followed.
2. **Internal Promotion.** Department Heads may recommend to the City Administrator that an opening within their Department be filled by internal promotion of another individual currently employed in that department, without an external posting of the position. Such promotional opportunities shall be publicly posted within the Department for a minimum of three-days and all applicants meeting the minimum qualifications shall be interviewed prior to a hiring recommendation.

Current City employees wishing to be considered for openings in another City department must submit an application as part of the external posting process.

J. Employment of Relatives.

No person shall be appointed, promoted, demoted or transferred to a position where that person would be on a daily basis supervising, or receiving supervision from that person's spouse, any person permanently residing with the employee, a child, parent, sibling, grandparent, or grandchild of either the employee or of the employee's spouse. Employees may be temporarily placed in the position of supervising a relative, with the advance approval of the City Administrator. Such temporary supervision shall be limited to providing work direction, and shall not include the authority to recommend hiring, promoting, terminating, disciplining or adjusting the compensation of a relative.

VI. POSITION DESCRIPTIONS, CLASSIFICATION AND COMPENSATION

A. Position Descriptions

The city will maintain position descriptions for each regular position. The position description will include such information as deemed advisable by the city administrator in accordance with human resources best practices.

The city administrator may approve revisions to existing position descriptions provided revisions do not increase the classification of the position. Assignment of position titles, establishment of minimum qualifications, and the maintenance of position descriptions and related records is the responsibility of the city administrator.

The city council must approve new positions and revisions of position descriptions resulting in a higher classification.

B. Assigning and Scheduling Work

Assignment of work duties, and scheduling work is the responsibility of the supervisor subject to the approval of the city administrator. The city administrator may assign a position to a different department on a temporary or permanent basis based on the workload and needs of the city.

C. Position Classification and Compensation

It is the responsibility of the city to develop and maintain a Compensation Plan and a Job Classification Plan in accordance with state and federal laws for all applicable positions within the city, subject to review and approval by the city council. The city maintains these plans as policies separate from this policy. Employees may review the plans upon request to the city administrator.

1. The Job Classification Plan will classify positions using a point factor rating process and an appropriate range will be assigned. The process and the factors utilized are intended to provide a systematic methodology for evaluating all positions within the city.
2. The Compensation Plan provides that employees will be assigned an appropriate pay range, which corresponds to their job classification. Pay ranges carry minimum and maximum rates of pay. An employee shall not be paid less than the minimum rate nor more than the maximum rate for his or her assigned job description, except in certain circumstances as referenced in city policy.

Increases in pay shall generally be considered during the annual budgeting process, to be implemented at the beginning of a new fiscal year in accordance with the City's Compensation Plan.

D. Paydays.

Employees normally shall be paid bi-weekly. When a payday falls on a holiday, employees shall receive their pay the preceding workday.

E. Direct Deposit.

As permitted by Minn. Stat. 471.426, direct deposit of payroll is required for all employees. Employees may elect to have their paycheck divided amongst a maximum of four (4) bank accounts. Employees may change the bank account(s) to which their paycheck is deposited as necessary by filing a new Direct Deposit Agreement with the HR Specialist no later than the close of business ten calendar days prior to payday (i.e. the second Wednesday of a pay period.)

Employees may access pay stubs via the city's online pay system. Paper pay stubs will not be provided unless it is impractical for the employee to access the information online.

F. Pay Periods.

A pay period shall be a fourteen (14) day period beginning on Monday at 12:01 a.m. and continuing to the second following Sunday at 12:00 a.m. (midnight). All hours worked shall be credited to the day and pay period when the shift began.

For the purpose of computing overtime under the Federal Fair Labor Standards Act, the work period for all employees, except sworn police officers, is a seven-day period. Unless otherwise specified in writing by an employee's supervisor, the work period shall begin on Monday and end on Sunday. For sworn police officers, the work period is a 28-day period, with the first work period of the year corresponding to the first two pay periods of the payroll year and subsequent work periods following every 28 calendar days.

G. Overtime and Compensatory Time.

1. **Non-Exempt Employees.** Non-exempt employees shall be compensated for work their supervisor requires them to undertake in excess of 40 hours per work week. Overtime must be assigned by or approved by an employee's supervisor prior to being worked. Unless otherwise established for an individual employee or group of employees, the work week begins on Monday at 12:01 a.m. and continues through Sunday at 12:00 midnight. Hours taken as sick leave, vacation leave, or holiday are considered hours worked, except as noted in Section F. The compensation shall be in cash or compensatory time at one and one-half times the regular rate of pay. The employee may choose whether to receive the cash or compensatory time.

An employee's department head may require the employee to take compensatory time off within a specified period. A maximum of 40 hours of compensatory time off may be accumulated, and any additional overtime shall be paid in cash. The City Administrator may authorize accumulating compensatory time beyond the 40-hour maximum, but may require that the employee take time off within a limited time to reduce the balance of compensatory time off to the 40-hour maximum.

2. **Part-Time Employees.** Part-time employees are ineligible for compensatory time, however they will be paid at the rate of one and one-half times their base wage for any hours worked in excess of 40 hours in a single week.

H. FLSA Safe Harbor for Exempt Employees

1. Department heads or supervisors may require exempt employees to work a schedule, to record daily attendance, and to record and track hours for billing or other business-related purposes that are directly related to the exempt employees' job duties. Department heads and supervisors will familiarize themselves with FLSA rules and regulations to ensure no exempt employee's FLSA protections are infringed upon.
2. The city will observe all FLSA rules and regulations as they apply to exempt employees.

I. Employees Holding Two or More City Jobs

1. Non-exempt employees holding two or more jobs with the city who exceed 40 hours per work week shall be paid at a rate of one and one-half times the regular rate of pay for the job performed during the overtime hours. Hours worked at the employee's secondary position (i.e. as a substitute custodian or paid-on-call firefighter, for example) shall be paid overtime rates regardless of the point within the week when they occur. Hours taken as paid leave shall not count toward the calculation of hours worked.
2. Paid-On Call Firefighters. A regular employee who is also a paid on-call firefighter who is called away from his or her regular job during the normal work day will continue to be paid the employee's regular rate of pay for the regular job. The employee may not claim additional compensation for the time spent on the fire call, unless such time exceeds the employee's normal workday. All benefits and leaves shall continue to accrue without regard to time spent on fire calls.

VII. BENEFITS

A. Eligibility.

All full-time employees and those part-time employees authorized to work at least 30 hours per week are eligible for and may receive certain benefits as set forth in this section. The employment benefits outlined in this section are offered at the city's sole discretion, as determined annually by the City Council. The outline of these benefits should not be construed as a claim of entitlement to the benefits and the benefits may be changed from time to time, at the discretion of the City Council.

B. Insurance.

The city will provide medical, dental, life and long-term disability insurance to all eligible employees on the first of the month following thirty (30) days of continuous service.

1. Medical Insurance. Employees who are eligible for medical insurance may select individual, two-party, or family coverage. Employees who are covered under a spouse's group plan or have coverage with another carrier may waive coverage subject to completion of the City's Group Waiver of Coverage Form.

The city shall make a specified contribution per month toward the cost of the city's medical insurance plan, and this contribution may differ depending on the type of coverage selected. Benefits-eligible part-time employees shall receive this contribution on a pro-rated basis. The difference between the actual cost of the selected coverage and the city's contribution shall be deducted from the employee's paycheck.

The city may choose to segregate retired employees who are 65 or older from other employees for pooling purposes in determining the premium for insurance as allowed by state law.

2. Dental Insurance. Employees who are eligible for dental insurance may select individual, two-party or family coverage. Employees who are covered under a spouse's group plan or have coverage with another carrier may waive coverage subject to completion of the city's Group Waiver of Coverage Form.
3. The city's contribution towards dental insurance shall be the cost of single coverage. Benefits-eligible part-time employees shall receive this contribution on a pro-rated basis. Benefits-eligible part-time employees and employees selecting two-party or family dental coverage shall have the difference between the actual cost of the selected coverage and the city's contribution deducted from their paycheck.

4. **Life and Long-Term Disability Insurance.** Employees who are eligible for life insurance and long-term disability Insurance may not waive this insurance. The city will fully fund the cost of long-term disability insurance and \$25,000 in life insurance. Benefits-eligible employees may elect to purchase additional life insurance at their own cost, subject to the terms and conditions of the city's insurance carrier.
5. **Continuation of Coverage.** Employees and/or their dependents may elect to continue life, medical and dental insurance coverage beyond the date that it would otherwise terminate as provided by federal and/or state law.

C. Deferred Compensation.

The city offers select deferred compensation plans, which allow employees to have a specified pre-tax dollar amount withheld from their paycheck and invested for payment at a later date, usually at retirement or termination of employment. Contributions to these plans are financed solely by the employee, through payroll deduction.

D. Retirement Benefits.

Under state law, eligible city employees must participate in the Public Employee's Retirement Association (PERA). Retirement benefits accrue from both employee and employer contributions. Statutorily-defined contributions to the retirement system are mandatory and are deducted from the employee's pay each payroll period.

E. Phased Retirement.

Individuals who have been employed by the City of Shakopee for 5 years or more and who are age 55 or older may be offered a phased retirement benefit, upon the recommendation of the city administrator and approval of the City Council. The purpose of phased retirement is to allow long-term employees to work reduced hours while maintaining their benefits and assisting in the training of a new employee in their specialized skills and knowledge. In order to be eligible, the employee must hold a specialized position that will require significant training of a new or promoted employee. Employees offered and accepting a phased retirement benefit shall work no more than an average of 20 hours per week, but shall receive full insurance benefits, at the level they enjoyed prior to phased retirement, as well as pro-rated vacation, holiday and sick leave for a period not to exceed 6 months.

F. Post-Employment Health Savings Plans.

The city participates in the Post Employment Health Savings Plan administered by the Minnesota State Retirement System by contributing an equal dollar amount, as determined by the City Council annually, for all benefits-eligible employees. This money shall be deposited in employees' accounts in accordance with the terms and conditions

of the plan. Additionally, all benefits-eligible employees shall contribute a percentage of their wages to the plan through payroll deductions, according to the contribution schedule in Appendix A of this document, or the relevant section of their union contract.

G. Continuing Education/Tuition Reimbursement.

1. Eligibility. All full-time employees and benefits-eligible part-time employees may apply for continuing education benefits under this section.
2. Employee Tuition Policy. The City may reimburse an employee for tuition expenses and course fees under certain circumstances. There shall be no reimbursement for mileage/parking expense. Required books, student activity fees, and material costs will not be reimbursed. Tuition reimbursement is available for a course occurring in non-continuous classes over a period of time.
3. Pre-Approval. Prior to starting a class or classes, the employee must obtain approval from the employee's department head and the city administrator that the class, certificate, degree or overall achievement is job related and that the request is worthy and would fill a need within the city or department. The department head should verify that the department budget could cover this expense. Approval of enrollment in a multiple-year course of study is no guarantee that funding will be available in subsequent years.
4. Satisfactory Completion. The employee shall provide the department head with proof of satisfactory completion (i.e., a grade of C or above in technical school or undergraduate college; a grade of B or above in graduate school) of any course requested for reimbursement, prior to reimbursement.
5. Time Off. If classes are during the regular workday, a non-exempt employee must take that time as compensatory time, vacation time, or leave of absence without pay, or the employee can seek a flexible scheduling arrangement approved by the department head. Police officers also have the option of utilizing holiday time in cases where classes require time away from work. Classes or course work taken by the employee must not disrupt or interfere with normal departmental operations.
6. Continued Employment. The employee must remain with the City of Shakopee for two years following completion of the course, or reimburse the city for the expense.

7. **Funding Procedure.** The city may reimburse an employee 100 percent for the first \$1,000 of the cost of tuition per calendar year. After that, the reimbursement may be 50 percent. Total reimbursement may not exceed \$3,000 per person per calendar year. The scope, terms and conditions of this reimbursement shall be defined and interpreted by the city administrator. Employees must submit valid receipts in order to be eligible for reimbursement. Reimbursement is limited based on availability of budgeted funds.

H. Conferences and Seminars.

1. **In General.** The city may pay for conferences and seminars that the employee's supervisor determines will contribute to the better performance of the employee's job and the city's business. A conference or seminar is a course that occurs in one continuous block of time. To qualify for payment, the employee must secure the prior approval of their supervisor who should verify that the expenditure is within the departmental budget.

Appropriate receipts must be kept, and all other travel expenses must be documented. Sufficient money must be available and budgeted in the departmental line item for travel and subsistence.

2. **Criteria.** Employees must meet the following criteria:
 - a. To be eligible to attend a national conference, an employee must have been employed as a full-time employee by the City of Shakopee for one year, unless approved by the city administrator. Part-time employees and those employed less than one year are encouraged to attend state or local conferences.
 - b. The employee's supervisor shall recommend that there will be a benefit to the City for the attendance by the employee at the conference;
 - c. While attending a national or out-of-state conference, employees are presumed to work eight-hour work days and are ineligible for overtime compensation.
 - d. Holidays which occur during the scheduled conference shall be charged against holiday leave. Use of sick leave is not permitted.

3. Purpose and Scope. It is the purpose of this policy statement to establish adequate internal controls to satisfy Internal Revenue Service (IRS) regulations, State laws, and to provide a framework to use as a guide to prescribe circumstances for which travel reimbursements or travel purchasing card transactions will be authorized. Only claims for accommodations and services actually incurred or in accordance with the Standard Federal Per Diem Rate in the case of meals and incidental expenses would be reimbursed once the Travel Expense Report has been approved. Employees are expected to utilize the same care when incurring official expenses that a prudent person would utilize if traveling on personal business.

I. City Reimbursement of Travel Costs.

1. City Reimbursement of Travel Costs. The City will pay or reimburse all travel costs that are both reasonable and necessary. All persons conducting official City business are expected to show good judgment in the nature and amount of expenses incurred while conducting City business. Per Minnesota Statute, purchases of alcoholic beverages cannot be reimbursed. Travel must be by the most direct or normally traveled route unless approved in advance by the employee's supervisor. Reimbursement will be limited to the cost of travel by a direct route or on an uninterrupted basis. The employee will be responsible for any additional costs exceeding the business purpose related expenses. The following expenses may be approved for reimbursement:
 - a. Transportation. Coach airplane passage is considered standard for travel out of the five state region, as air travel is usually more economical in time and money than other modes of transportation when making long trips.

- b. **Traveling by Automobile (City & Personal).** When traveling in a City vehicle, the employee should use a City assigned purchasing card for fuel expenses or their own credit card if a City purchasing card is not available. Due to potential liability considerations, transportation of persons not on official City business is prohibited in City vehicles. The City is not responsible for damage to personal vehicles while on official business, as the employee's vehicle is not covered by the City's insurance coverage. When personal automobiles are used as a mode of transportation for travel within the five state region, reimbursement will be made at the mileage or allowance rate in effect at the date of travel. Payment of mileage will be based on the most direct route from the point of departure to the point of destination. In instances when the person receives a car allowance, additional mileage reimbursement is not allowed in accordance with Minnesota state law.
- c. **Car Rental.** Prior approval by the Department Head is required if it is necessary to rent a car at the travel destination. Pre-payment of a car rental can be made using
- d. **Lodging.** Hotel or motel accommodations should be appropriate to the purposes of the trip. Where multiple occupancy by other than City employees/officials occurs, only the actual cost of the single room rate (if different from the double room rate) may be claimed for reimbursement or charged. Business telephone calls and reasonable personal telephone calls incurred during overnight stays are reimbursable. When assigned, a City mobile device or cell phone should be used for telephone calls. Expenses that are not deemed reasonable and necessary will not be reimbursed. Some non-reimbursable examples are: movies in your hotel room, fees to use the hotel's health club, dry cleaning, and personal items (such as toothpaste, shampoo, etc.)
- e. **Per Diem.** The per diem allowance is a daily payment for meals and related incidental expenses when overnight travel accommodations are necessary, in accordance with published federal per diem rates instead of receipt based reimbursement. An employee may claim an amount not to exceed the allowable per diem rate in accordance with the Standard Federal Per Diem Rate Schedule in effect at the time of travel (current per diem rates are located on the City's internal website). A City assigned purchasing card may NOT be utilized to pay for meal expenses when per diem is claimed. The per diem allowance is separate from lodging, transportation and other miscellaneous expenses. The per diem allowance covers all charges, including taxes and service charges where applicable for:

- Meals. Expenses for breakfast, lunch, dinner, snacks and related tips and taxes (specifically excluded are alcoholic beverage and entertainment expenses, and any expenses incurred for other persons).
- Incidental expenses. Fees and tips given to porters, baggage carriers, bellhops, and hotel maids.

Employee is entitled up to the allowable daily Federal per diem amount for the area. Employees may claim full per diem for the day of departure and the day of return from a business trip, regardless of the departure or arrival time. However, for meals provided by the conference or training event, the daily per diem amounts are adjusted by the following guidelines:

- If one meal is provided at no cost, the employee is still eligible for full per diem.
- If two meals are provided at no cost, per diem is reduced to two-thirds.
- If three meals are provided at no cost, per diem is reduced to one-third.

Per diem cannot be used for travel related costs that do not involve an overnight stay.

- f. City Reimbursement of Travel Costs that do not Require Overnight Travel. Travel plans involving expenses that do not require overnight travel accommodations will be reimbursed based on actual cost substantiated by appropriate receipts. The employee is entitled to reimbursement of meal expenses after submitting actual receipts. No reimbursement is authorized if meals are provided during the meeting or event. When available, the assigned City purchasing card should be used for these type of activities. This includes training or meetings within the metro area.
- g. International Travel. For domestic travel purposes, the IRS definition of the United States includes the 50 states and the District of Columbia. The purpose of travel outside the United States for City business must be unquestionably professional in content and should only be considered if a similar meeting, conference, or training of similar quality cannot be found within the continental limits of the United States. International travel expenses for business related purposes are deductible, as outlined in the IRS Code Publication 463 (Travel Outside the United States), but may be limited if the travel involves non-business activities.

h. Other. Falsification of travel documents/expense reporting, resulting in overpayment of the City's assets, may be cause for disciplinary action. It is the employee's responsibility to:

- Maintain accurate records;
- Make a conscious effort to minimize expenses while maintaining an adequate level of comfort and convenience;
- Request reimbursement in an accurate and timely manner, 60 days or less.

J. Membership Fees.

Upon approval of the department head, the city will pay for membership in professional organizations where membership is required by law or is deemed beneficial to the city.

VIII. HOLIDAYS

A. Eligibility.

Non-union, benefits-eligible employees are entitled to time off with pay on the holidays listed in section C, unless required by their supervisor to work due to the nature of their duties or other exceptional conditions or circumstances. Benefits-eligible part-time employees shall receive pro-rated holiday pay. Employees on unpaid leave at the time of a holiday will not receive pay for the holiday. Benefits-eligible employees subject to a union contract shall receive paid holidays as outlined in the current contract.

B. Pay for Holidays Worked.

Non-exempt, benefits-eligible employees required to work on a holiday listed in section C shall be paid at the rate of one and one-half times the employee's base pay for the hours worked, plus the employee's regular rate of pay for the holiday. Employees are considered to have worked a holiday only when their shift begins on a holiday, in which case the entire shift shall be paid as a holiday. Exempt employees required by their supervisor to work on a city-observed holiday shall be entitled to observe their holiday on a different day, as approved by the supervisor.

Part-time employees who are not benefits-eligible but who are required to work on a holiday listed in section C shall be paid at the rate of one and one-half times their regular rate of pay for the hours worked. In the case of city departments or functions that operate seven days per week, holiday pay shall be paid for the actual holiday, rather than the observed holiday as defined below.

C. Designated Holidays.

City offices shall be closed for business on each holiday listed below, but employees may be required by their supervisor to work on holidays when the nature of their duties or other conditions require.

When a holiday falls on a Saturday, the preceding Friday is a holiday. When a holiday falls on a Sunday, the following Monday is a holiday. In calendar years during which December 24 and/or December 25 fall on a weekend, the Christmas Eve holiday shall be converted to a second floating holiday to be taken on a day of the employee's choice as approved by their supervisor. If a holiday occurs during an employee's scheduled vacation, it shall not be counted as part of said vacation.

The following days are designated holidays:

Holiday Celebrated	Date
New Year's Day	January 1
Martin Luther King's Birthday	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving	the Friday after the 4th Thurs. in Nov.
Christmas Eve	December 24th
Christmas Day	December 25th

D. Floating Holiday.

Benefits-eligible employees, including those on probation, are awarded one Floating Holiday per year, to be taken on a day of their choice, with prior approval of the employee's supervisor. Benefits-eligible part-time employees shall receive a pro-rated floating holiday. The floating holiday must be taken and paid out by the 1st payroll in December of any given year. An unused floating holiday shall be forfeited and may not be carried over to the next payroll year nor paid as severance. The floating holiday shall be taken in its entirety on a single day. A floating holiday may only be combined with hours worked on a given day in the case of: 1) part-time employees, or 2) employees called in by their supervisor for unscheduled work (such as snow-plowing).

IX. LEAVES

A. Vacation Leave.

1. Amount. All full-time and benefits-eligible part-time employees shall accrue vacation leave on a bi-weekly basis. For full-time, non-exempt employees, vacation time shall accrue in accordance with the following schedule:

0 – 5 years employment	80 hours annually
6 – 15 years employment	120 hours annually
16 – 20 years employment	160 hours annually
21+ years employment	160 hours plus 8 hours for each year worked over 20, to a maximum of 200 hours

Benefits-eligible part-time employees shall accrue vacation leave on a pro-rated basis.

2. Measurement. Each twelve months of continuous employment with the City of Shakopee shall count as one year of employment for the purpose of vacation leave.
3. Accumulation. Vacation leave provides time away from the job for rest and recharging. It is in the best interest of the employee and the city that employees use this benefit periodically.
4. Employees who have 0 to 15 years of employment with the city may accumulate no more than 240 hours of vacation leave. Employees who have 16 or more years of employment with the city may accumulate no more than 360 hours of vacation leave. Under extraordinary circumstances, the city administrator may approve the temporary accumulation of hours above the applicable cap.
5. When Taken. Vacation leave may be used no sooner than the next pay period after earned, subject to approval by the department head.
6. Exempt Employees. Exempt employees shall accrue vacation leave on a bi-weekly basis like all other employees. However, exempt employees shall accrue vacation in accordance with the following schedule:

0 – 5 years employment	120 hours annually
6 – 15 years employment	160 hours annually
16 – 20 years employment	200 hours annually
21+ years employment	200 hours plus 8 hours for each year worked over 20, to a maximum of 240 hours

B. Sick Leave.

1. **Accrual.** Full-time, benefits-eligible employees shall accrue paid sick leave at the rate of 3.69 hours on a bi-weekly basis. Benefits-eligible part-time employees shall accrue sick leave on a pro-rated basis. An employee may accumulate no more than 960 hours of sick leave.
2. **Use of Sick Leave.**
 - a. **For the employee.** An employee may use sick leave when the employee is unable to perform work duties due to illness, disability, the necessity for medical, dental or chiropractic care, childbirth or pregnancy disability, or exposure to contagious disease where such exposure may endanger the health of others with whom the employee would come in contact in the course of performing work duties. Illness or injury occurring while an employee is on vacation shall not be charged to sick leave, but shall remain as vacation.
 - b. **For a child or spouse.** An employee may use sick leave to care for an ill child under the age of 18 (or who is incapable of self-care because of a physical or mental disability) or spouse when the employee's attendance with the child or spouse may be necessary.
 - c. **For other relatives.** An employee may use up to 160 hours of accrued sick leave per calendar year to care for an adult child, sibling, parent, mother or father-in-law, son-in-law, daughter-in-law, grandchild, grandparent, stepparent, or any other relative residing permanently with and dependent upon the employee, who is ill or injured.

- d. For safety leave. An employee may use sick leave for reasonable absences in order to receive assistance needed because they are the victim of sexual assault, domestic abuse or stalking. Employees may also use sick leave to provide or receive assistance for a child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent who is the victim of sexual assault, domestic abuse, or stalking. Safety leave for those listed, other than the employee and the employee's minor child or spouse, is limited to 160 hours in any 12-month period.
 - e. Abuse of Sick Leave. In cases where an employee is found to have taken sick leave absent one of the eligible uses listed above, the employee's time away from work will be charged against their vacation time and the employee shall be subject to discipline.
- 3. Proof. To be eligible for sick leave with pay, an employee shall: (a) report as soon as possible (and in any event within one hour of the start of the employee's shift or workday) to the employee's supervisor the reason for the absence for each day of absence; and (b) keep their supervisor informed of the sick person's condition, and submit a medical certificate or other evidence from a physician for any absence if required by the city administrator.
 - 4. Conversion. Employees who have accumulated more than 160 hours of sick leave may elect to convert a portion of their sick leave to vacation leave. Such conversion shall be limited to sixty hours of sick leave, and may be converted at a rate of three hours of sick leave to one hour of vacation leave. If an employee elects to convert sick leave, the election must be in writing and be made once each payroll year at a time and manner established by the city administrator.

C. Bereavement Leave.

Sick leave may be granted for a maximum of three consecutive work days as bereavement leave for the death of the employee's spouse, for the death of a child, step-child, parent, step-parent, sibling, grandparent, or grandchild of the employee or of the employee's spouse, or for any other relative residing permanently with and dependent upon the employee. Employees may use one day of bereavement leave for all other funerals.

D. Family & Medical Leave.

1. Purpose. The Family Medical Leave Act (FMLA) is intended to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity. It is intended to benefit employees as well as employers by providing up 480 hours of unpaid, job-protected leave for the birth of a child, adoption, foster care and certain family and medical reasons.
2. Eligible Employees. Eligible employees are those who have:
 - a. Been employed by the City of Shakopee for at least one year; and
 - b. Worked a minimum of 1250 hours within the previous twelve (12) month period.
3. Circumstances Covered by Family Leave. Eligible employees must be provided an with up to 12 weeks of unpaid leave each year for any of the following reasons:
 - a. To care for the employee's child (birth or placement for adoption or foster care with the employee);
 - b. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
 - c. For a serious health condition that makes an employee unable to perform his or her job duties.
 - d. To care for family members injured while on active military duty or to respond to the call-up of a family member in the National Guard or Reserves, as described in subsection 5 below.
4. Serious Health Condition. A serious health condition is defined as any illness, injury, impairment or physical or mental condition that requires:
 - a. Inpatient care in a hospital, hospice or residential medical care facility; or
 - b. Prenatal care; or
 - c. Any period of incapacity requiring absence from work, school or other regular activities, of more than three consecutive calendar days, that also involves continuing treatment by, or under the supervision of, a health care provider; or

- d. Continuing treatment by, or under the supervision of, a health care provider for a chronic or long-term condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days.

5. Leave Related to Military Service of Family Member.

- a. **Military Caregiver Leave.** The city will grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness up to a total of 26 work weeks of unpaid leave during a “single 12-month period” to care for the service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating. The “single 12-month period” for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later. An eligible employee is limited to a combined total of 26 work weeks of leave for any FMLA-qualifying reason during the “single 12-month period.” (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)
- b. **Qualifying Exigency Caregiver Leave.** The city will grant an eligible employee up to a total of 12 work weeks of unpaid leave during a rolling 12-month period that starts at the time of the FMLA qualifying event, for FMLA leave for qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Under the terms of the statute, qualifying exigency leave is available to a family member of a military member in the National Guard of Reserves; it does not extend to family members of military members in the Regular Armed Forces.

Qualifying exigencies include: (1) short notice deployment; (2) military events and related activities; (3) child care and related activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; and (7) post-deployment activities.

6. Length of Leave. The length of FMLA leave is not to exceed twelve (12) weeks in any twelve (12) month period, except in cases of Military Caregiver Leave, which may extend to 26 weeks, as described in 5a above. When applicable, FMLA leave shall be taken simultaneously with the Minnesota Parenting Leave, as described in paragraph (F) of this section. The entitlement to FMLA leave for the birth or placement of a child expires twelve (12) months after the birth or placement of the child.
7. Leave Year. The leave year will begin the first day the employee is absent from work on FMLA leave.
8. Notice. An employee must give the City at least 30 days advance notice if the leave is foreseeable. If leave is not foreseeable, the employee should give as much notice as is practicable.
9. Medical Certification. Upon request, an employee must provide a medical certification for their own serious health condition or that of a child, spouse, or parent of the employee. A "Certificate of Health Care Provider" form can be obtained from the City's HR Manager. It is to be completed by the attending physician or practitioner. Documentation may also be required in the case of leave related to the military service of a family member.
10. Use of Accrued Sick Leave, Vacation Leave & Compensatory Time. During FMLA leave, an employee must use any sick leave, vacation leave and compensatory time which they have accrued. Police officers also have the option of utilizing available holiday leave. However, an employee may request to go on unpaid leave once they reach a balance of 40 hours or less of sick leave and vacation leave. All accrued compensatory time must be used prior to requesting unpaid leave.

The use of sick leave, vacation leave and compensatory time occurs simultaneously with FMLA leave and cannot be used to extend or substitute for FMLA leave.

Use of approved FMLA leave will not constitute a break in service for purposes of computing years of service.

11. Both Spouses Employed by the City. When both spouses are employees of the city, each spouse may take up to 12 weeks of FMLA leave per year. The leave may run simultaneously.

12. Insurance Continuation. During FMLA leave, the city shall maintain coverage for the employee under the city's group health plan. These benefits will be maintained under the same conditions, and at the same level of city contribution, as before the employee goes on leave. If there are changes to the city's contribution levels and/or premium rates while the employee is on leave, those changes will take place as if the employee were still on the job. The employee will be required to continue payment of the employee portion of the health care and/or other insurance coverage they choose to continue. During such time as FMLA leave is paid, the City of Shakopee will continue to collect the employee's share of the premium through payroll deductions.

The employee may choose not to retain health care or other insurance coverage during FMLA leave. When the employee returns from leave, he or she will be reinstated on the same terms as prior to taking leave, without any qualifying period, physical examination, exclusion of preexisting conditions or other requirement.

13. Premium Reimbursement. The employee will be required to reimburse the city for any premiums paid during FMLA leave if the employee does not return to work for a minimum of 30 calendar days, unless the employee cannot return to work due to the continuation of a serious health condition of the child, spouse, parent or employee, or due to other circumstances beyond the control of the employee but related to the FMLA leave.

14. Leave Accrual. The employee will not accrue vacation and sick leave while on unpaid FMLA leave. Employees using a combination of paid and unpaid leave, or intermittent unpaid leave, will accrue vacation and sick leave on a pro-rated basis. Employees using paid leave will continue to accrue vacation and sick leave.

15. Key Employees/Return to Work. A key employee is defined as an employee who is in the highest paid 10% of all employees. A key employee may be denied reinstatement to the same or an equivalent position after FMLA leave if the denial is necessary to prevent substantial economic injury to the city's operations.

16. Intermittent Leave. FMLA leave may be taken intermittently or on a reduced schedule if medically necessary or in the case of leave related to the military service of a family member. If not medically necessary, the department head and city administrator's approval is required. The city may require the employee to transfer to an alternative position of like status and pay while on intermittent leave. If leave is taken intermittently, it will not affect the status of an exempt employee under the Fair Labor Standards Act. All requests for intermittent leave will be evaluated on a case-by-case basis.

17. Return to Work. An employee returning to work from FMLA leave is entitled to the same position he or she held when the leave began, or to an equivalent position, with equivalent benefits, pay and other terms and conditions of employment.

The employee will be required to submit a fitness for duty or return-to-work report, signed by the treating doctor, prior to returning to work if FMLA leave was for the employee's own serious health condition.

18. Effect on the Unpaid Leave of Absence Policy. This policy is not intended to conflict with the city's Unpaid Leave of Absence policy. That policy will continue to apply in situations that are not addressed by the FMLA.

19. Governed by Law. This FMLA leave policy is intended to be a general summary of the law. FMLA leave is governed by federal or state regulations. Those regulations shall control if they conflict with this policy.

E. Bone Marrow Donor Leave.

As prescribed by Minn. Stat. Sec. 181.945 and 181.9456, certain employees are eligible to take a paid leave of up to 40 hours to undergo medical procedures to donate organs or bone marrow.

F. Leave Donation Policy

1. Scope

This policy applies to all full-time, benefits eligible employees of the City of Shakopee.

2. Purpose

This policy establishes a leave donation program, through which eligible employees may voluntarily donate a portion of their accrued sick or vacation time to a bank to be converted to assist another employee who has exhausted all forms of paid leave due to a medical emergency.

3. Definitions

- a. Medical emergency

A physician's diagnosis of a major life-threatening event of an employee or immediate family member that will require the employee to be absent a prolonged period from their employment duty.

- b. Immediate family

For the purpose of this policy shall include employee's spouse, children, parents, and includes the children, parents, of the employee's spouse, and any person regularly residing in the employee's immediate household.

c. Qualifying major life-threatening event

Includes but is not limited to heart attack, stroke, cancer, organ transplant, life threatening illness or condition as defined by a physician's diagnosis using the FMLA medical certification of the catastrophic health problem.

d. Policy

In accordance with the terms and conditions of this policy, employees having accrued vacation and sick time can donate a portion of accrued leave to a bank of hours to be used to assist fellow employees experiencing a medical emergency. The city administrator has the right to deny or limit use of donated leave if it is determined to be in the best interest of the city.

Nothing in this policy will be construed to limit or extend the maximum allowable absence under the Family Medical Leave Act (FMLA). This program is to run concurrently with FMLA.

4. Eligibility

a. Donors

Donor employees must be benefit eligible to participate in the leave donation program. Donors must have more than 120 total hours of accrued vacation, sick and compensatory time available after the donation.

b. Recipients

Recipient employees must be benefit eligible to participate in the leave donation program. Recipients must have a documented medical emergency and must have a combined balance of less than 40 hours in accrued sick, vacation and compensatory time. Employees receiving workers' compensation benefits from city-related injuries or illnesses are not eligible to receive donations.

5. Conditions

The terms and conditions governing the Leave Donation Program are as follows:

a. Requests for leave donation

Request and donation forms are on the intranet or in Human Resources. Completed forms must be submitted to Human Resources. Human Resources will review the request. The approval of a request remains valid until the

employee notifies Human Resources to annul the approval or the employee becomes ineligible to participate in the program.

b. Participation

Participation is voluntary and no employee shall pressure or otherwise attempt to influence another employee to donate accrued time. Human Resources may post information and general request information to inform employees of the program, and inform employees if there is a need for donated leave hours. All donations will be kept confidential and the city will not inform the recipient of the names of those donating hours or the number of hours which have been donated. No provisions of this policy or its administration shall be subject to review under the grievance or arbitration provisions of any collective bargaining agreement.

6. Recipient

An employee is eligible to receive donated leave only for time lost from normal work hours and only to make them financially whole once their own paid leave banks have been exhausted. The Leave Donation Program wages shall be limited to the amount equal to that individual's regular gross earnings per pay period (i.e. current hourly base pay rate multiplied by regularly scheduled hours of work per pay period).

Leave donations can be made only after an employee is forced by a medical emergency to be absent from work for more than five scheduled working days. Transfers of leave hours will be on an hour-by-hour basis; each hour of donor leave will be credited as an hour of leave for the recipient, paid at the recipient's current wage, regardless of any differences in pay levels. The IRS has ruled that these payments are considered wages and taxable income for the recipient.

An employee may only receive leave donations once per 12-month period and may not receive more than a total of 40 work days or 320 hours of donated leave for any single major life-threatening disease or condition.

Donated leave hours will not be counted toward seniority or leave accrual for the recipient. The recipient's anniversary date will be extended by the length of absence while participating in the Leave Donation Program. Donated hours will not count toward leave accumulation for the recipient or be used to extend medical benefits while using donated time. Employees will not accrue time while using donated leave.

Receipt of donated leave will not be allowed once an employee is judged to be disabled by the major medical condition and will not be returning to work. Donated time cannot be used for severance pay, deposited into a sick leave bank, paid to an employee in the form of cash or used in any other manner other than what is stated in this section of the policy.

7. Donor

An eligible employee who donates vacation and/or sick time understands this time is a "gift" and that the donated leave will be irrevocable, that the donating employee does not control the employee receiving the donated leave once donated, and any receiving employee has no obligation to pay it back. The IRS has ruled that the employee donating the leave realizes no income and incurs no tax-deductible expense or loss, either upon donation of leave or payment to the recipient.

Donation of accrued time must be in whole hours, and will be donated to a bank. An employee may donate no more than 40 hours of leave per calendar year. Donated leave hours will be processed in the order of the date the donated leave was received by the pool, with the earliest date processed first. Donated leave will be held until the following pay period(s), when it is needed, and processed at that time. Once donated time has been transferred to the donated leave bank the donor may not revoke the transaction, even if it has not yet been paid.

8. Exceptions

Exceptions to these requirements must be approved by the city administrator, and will only be granted in rare and unusual circumstances. Any questions regarding this program should be directed to Human Resources.

The city specifically retains the right to administer the program in the manner it deems to be in the best interest of the city, including the right to amend, to alter, to further limit or to eliminate the program.

G. Parenting Leave.

As prescribed by Minn. Stat. Sec. 181.940 – 181.944 certain employees are entitled to up to twelve (12) weeks of unpaid parenting leave upon the birth or adoption of a child.

1. Eligible Employees. Eligible employees are those who have been employed by the City of Shakopee for at least twelve months preceding the request and worked an average of 20 hours or more per week.

2. Notice. Employees must give the city at least 30 days advance notice if the leave is foreseeable. If the leave is not foreseeable, the employee must give as much notice as is practicable.
3. Start of Leave. The leave begins at the time requested by the employee and must begin within twelve months of the birth or adoption. In the case where the child must remain in the hospital longer than the mother, the leave may not begin more than six weeks after the child leaves the hospital.
4. Length of Leave. The length of leave is determined by the employee, but may not exceed twelve (12) weeks. If the employee has any FMLA Leave eligibility remaining at the time this commences, this leave will also count toward FMLA Leave. The two leaves will run concurrently until eligibility is exhausted.
5. Use of Accrued Sick Leave, Vacation Leave &/or Compensatory Time. While on parenting leave, an employee must use any vacation leave and compensatory time which they have accrued. However, an employee may request to go on unpaid leave once they reach a balance of 40 hours or less of vacation leave. All accrued compensatory time must be used prior to requesting unpaid leave.
6. The use of accrued vacation or compensatory time occurs simultaneously with the parenting leave and does not extend the length of the parenting leave.
7. Insurance Continuation. Employees utilizing sick, vacation or compensatory time while on parenting leave will have their benefits maintained under the same conditions and at the same level of city contribution as before the employee goes on leave. Employees utilizing unpaid parenting leave may choose to continue coverage under the city's group health plan at their own expense.
8. Status of Benefits. An employee will not accrue sick and vacation leave while on unpaid parenting leave. An employee using a combination of paid and unpaid leave will accrue sick and vacation leave on a pro-rated basis. An employee using paid leave will continue to accrue sick and vacation leave.
9. Return to Work. An employee returning from parenting leave will be reinstated to the same position or an equivalent position of comparable duties, number of hours and pay.

10. Impact on Family Medical Leave Act (FMLA). In most cases the Family Medical Leave Act (FMLA) policy will be applied to employees at the time of a birth or adoption because the provisions of FMLA are more beneficial to the employee. However, employees working between 20-24 hours per week are not eligible for FMLA but are eligible for parenting leave. In addition, an employee who has used the twelve (12) week allotment under FMLA for a serious health condition remains entitled to parenting leave for the birth or adoption of a child.

H. School Conference and Activities Leave.

As prescribed by Minn. Stat. Sec. 181.9412, an employee will be granted limited unpaid leave upon request for a child's school conferences or classroom activities, if the conference or classroom activities cannot be scheduled during non-work hours.

I. Voting Leave.

Employees are eligible for voting leave as provided in state law. Those employees required to work an 8-hour shift on Election Day have the right to be absent from work to vote during the morning of Election Day, with pay. No employee may be absent from work for more than one hour to vote without prior approval of the employee's department head. Each employee shall notify the department head prior to being absent.

J. Jury or Witness Duty.

When an employee performs jury duty or is subpoenaed as a witness in court or voluntarily serves as a witness in any case in which the city is a party, the employee is entitled to compensation from the city equal to the difference between the employee's regular pay and the amount received as a juror or witness. An employee who receives notice of jury duty or witness service shall notify the employee's supervisor immediately and provide a copy of the notice in order that arrangements may be made to cover the employee's position.

K. Military Leave.

1. Paid Leave. Pursuant to Minnesota Statutes Section 192.26, employees who are members of the National Guard, or any other branch of the state militia or the officers' reserve corps, the enlisted reserve corps, the Naval Reserve, the Marine Corps reserve or any other reserve branch of the military or naval forces of the United States are entitled to a paid leave of absence of up to fifteen (15) days in any calendar year for training or active service authorized by the proper authority. The employee shall not lose pay, seniority, vacation level, sick leave or any other benefits during the leave of absence. The leave will not be allowed if the employee does not return to work immediately upon being relieved from service, unless the employee is prevented from returning by physical or mental disability or other cause not the employee's fault or is required by the proper authority to continue in service beyond the 15-day leave period.
2. Unpaid Leave. Pursuant to 192.261 and U.S.C. Title 38, Sec. 2021, an employee who engages in active service in any of the military or naval forces of the state or the United States for which leave is not otherwise allowed by law is entitled to an unpaid leave of absence, with rights of reinstatement as provided by state and federal law. Such rights include, but are not limited to, the right to return to the same job or to a position with like seniority, status and pay if such a position is available at the same pay which the employee would have received if the leave had not been taken. Reinstatement is subject to the following conditions: 1) the position has not been abolished or its term has not expired; 2) the employee is not physically or mentally disabled from performing the duties of the position; 3) the employee applies for reinstatement within 90 days after termination of military service or within 90 days after discharge from hospitalization or medical treatment resulting from military service, provided that such application is within one year and 90 days after termination of military service; 4) the employee submits an honorable discharge or other form of certification that the employee's military service was satisfactory.

3. **Differential Pay.** The City of Shakopee values the sacrifices made by employees who volunteer to serve their country through the National Guard and U.S. Armed Forces Reserves. The city aims to support such employees when they are called to active duty, and have them return safely and resume their civilian role with the city. In an effort to balance this desire with the realities of the city budget, the city offers employees the following opportunity in addition to the protections and benefits guaranteed by state and federal law. Full-time employees called to active military duty in the National Guard or U.S. Armed Forces Reserves for a period exceeding 30 days may request differential pay and/or continuation of benefits, if their expected military pay is less than their city pay. Requests must be made prior to the employee's departure and will be considered by the City Council on a case by case basis.
4. **Rights of Others.** An employee promoted or hired to fill a vacancy created by a person being on military leave may be appointed to the position subject to the return of the employee on military leave. Upon return of the employee on military leave, a promoted employee may be restored to the employee's original position or an equivalent position. A replacement employee may be subject to layoff if no other position is available.

L. Unpaid Leaves of Absence.

1. **Short Leave.** The city administrator may grant an employee who has exhausted their paid vacation time and compensatory time, a leave of absence without pay for up to 40 hours per calendar year, upon the written recommendation of the department head. Use of short-term leave shall be in increments of time of not less than four (4) hours in duration; and requests for said use shall be submitted in advance, in writing. While on short leave of absence, the employee shall be treated in all respects as if the employee were working; including receiving benefits, except the employee shall forego the employee's salary.

2. Regular Unpaid Leave of Absence. Upon written request, the city administrator may grant an unpaid leave of absence for a period not to exceed 90 days to an employee who has exhausted their paid vacation and compensatory time. Under no circumstances may an employee use a leave of absence to work for another employer or to pursue self-employment. The employee must request a leave of absence in writing and forward it to their immediate supervisor, who will then direct the request to the department head or the city administrator with the supervisor's/department head's recommendation. An unpaid leave of absence requires the advance written approval of the city administrator. The City Council may extend such leave to a maximum period of one year if the employee is disabled or where the City Council finds extraordinary circumstances warrant such extension. Benefits including vacation leave, sick leave, holidays or other forms of indirect compensation will not accrue during an unpaid leave of absence. The employee may continue to be covered by group medical, dental and life insurance, but will be responsible for paying one hundred percent (100%) of the premium costs.

M. Absence Without Leave.

An employee who is absent and fails to report the reason to the employee's supervisor within one hour following the start of the employee's workday may be subject to discipline, which may include deduction of pay for the period of absence.

X. DISCIPLINE & GRIEVANCE

A. Discipline Policy.

1. In General. City employees shall be subject to disciplinary action for failing to fulfill their duties and responsibilities. It is the policy of the city to administer disciplinary penalties without discrimination.
2. Probationary Employees. Just cause and progressive discipline are not required for probationary employees. Subject to state law on veterans' preference, and subject to Minn. Stat. Sec. 181.931 et seq., a probationary employee may be disciplined or discharged by the city administrator with or without just cause.
3. All Other Employees. Disciplinary action against employees shall be for just cause, as deemed appropriate by the city. The supervisor or department head may investigate any allegation regarding the employee on which disciplinary action is based before any disciplinary action is taken.

When possible, discipline of employees will be based on the nature and severity of the infraction and conditions surrounding the incident. Discipline may include oral reprimand, written reprimand, suspension with or without pay, involuntary demotion, forced transfer to a comparable position, withholding a salary increase, decreasing the employee's salary and discharge.

4. Just Cause. Just cause for discipline includes any and all failures to fulfill an employee's duties and responsibilities. This includes, but is not limited to, the following:
 - a. failure to properly perform job responsibilities set forth in the employee's job description;
 - b. failure to comply with this policy;
 - c. insubordination;
 - d. engaging in actions or inaction that give the appearance of impropriety;
 - e. exhibiting a disregard for the need to maintain the public's pride in the City and City government;
 - f. failure to comply with the equal employment opportunity laws and regulations;
 - g. knowingly making a false statement or disclosure;

- h. falsifying any City document;
- i. releasing private or other protected information in violation of Minnesota Statutes Chapter 13;
- j. entering into a contract on behalf of the City without the prior consent of the Council.

5. Disciplinary Authority

- a. For all disciplinary issues department heads and supervisors are encouraged to consult with administration.
- b. Any disciplinary action that will result in documentation placed in an employee's personnel file requires prior consultation with the city administrator.
- c. The hiring authority for a position must approve of disciplinary action that results or may result in loss of wages such as suspension, demotion or termination.

6. Disciplinary Action Steps. The following steps may be used for disciplinary action against an employee. The city has the right to waive progressive discipline depending on the cause.

- a. Oral Reprimand. The employee's supervisor may give the employee an oral reprimand. A written note may be placed in the employee's personnel file indicating that an oral reprimand was given.
- b. Written Reprimand. The employee's supervisor may give the employee a written reprimand. The employee must sign the written reprimand to acknowledge its receipt. The signature of the employee does not mean that the employee agrees with the reprimand. The reprimand shall be placed in the employee's personnel file.
- c. Suspension or Other Disciplinary Action. An employee may be suspended with or without pay, demoted, transferred to a comparable position, placed on probation, denied a salary increase; or may receive a decrease in salary.

The city will notify the employee of the reason for and length of the suspension, whether it is with or without pay, and any further discipline the employee may face should the misconduct continue. If an investigation is conducted and shows that the allegations of misconduct are false, the employee may receive back pay for some or all of the period of suspension, as determined by the city administrator.

Any employee suspended without pay for more than one pay period shall continue to receive insurance benefits. The employee shall be responsible for paying the employee's share of any premiums if applicable. Such payment is due to the city by the 1st of each month for each full or partial month during which the employee is suspended.

An employee suspended without pay for more than one pay period shall not accrue or be allowed to use any accrued leave or holiday leave.

- d. Discharge as Discipline. An employee may be discharged by the hiring authority only for just cause.
7. Hearing. In any case of discipline under (c) or (d) above, the employee may appeal to the City Council. The appeal must be submitted in writing to the City Council through the city clerk with a copy to the city administrator within 10 days following the disciplinary action. The action of the City Council will be final, subject to any right to appeal under state law.

B. Grievance Policy.

- 1. In General. It is the policy of the city insofar as possible to prevent the occurrence of grievances and to deal promptly with those which occur.
- 2. Procedure. Employees may file a formal grievance in cases where they believe the policies and procedures of this personnel policy have not been fairly or accurately applied, so long as the subject matter is not covered by a collective bargaining agreement. Grievances shall be handled through the procedures set forth below, unless the grievance relates to sexual harassment, in which case the procedure set forth in the sexual harassment section of this policy shall control.
 - a. Grievance Brought by Employee. An employee must submit a grievance to his or her supervisor in writing, within 10 days of the incident which is the subject of the grievance. If the supervisor is the subject of or a party to the grievance, then the employee may submit their grievance to the city administrator.

- b. Investigation. The city administrator shall discuss the relevant circumstances with the employee and may investigate the matters disclosed in or relevant to the grievance.

An employee may choose to have a third party, such as a union representative or co-worker, present at an investigatory interview, however, that person has no right to interfere with or participate in the interview, but rather is present merely to act as a witness.

- c. Resolution. The supervisor shall consider and examine the causes of the grievance and any other related matters, and attempt to resolve the grievance. The supervisor shall provide written notice to the employee of the resolution, and of the employee's right to appeal the matter to the city administrator.
- d. Appeal. The employee may appeal the supervisor's resolution of the grievance to the city administrator. The appeal shall be in writing, and delivered to the city administrator within five days after the supervisor notifies the employee of the supervisor's resolution of the grievance. The city administrator's decision on the appeal is final.

XI. SEPARATION

A. Discharge.

Subject to any applicable labor agreement, the City may discharge or separate a temporary or probationary employee from employment at any time. All other employees may be discharged as set forth below.

B. Resignation.

1. Procedure. Any City employee wishing to leave the City's service in good standing shall file with the city administrator through the HR Department, at least fourteen (14) days before leaving, a written resignation stating the effective date of the resignation and the reason for leaving. Failure to comply with this procedure may be cause for denying such employee future employment with the city and denying severance benefits.
2. Use of Paid Leave following Resignation. Employees who have submitted their resignation may use no more than 40 hours of vacation leave (with supervisor approval) between the date their resignation was submitted and the effective date of the resignation. Exceptions to this policy may be allowed for special circumstances, contingent upon approval by the city administrator.
3. Unauthorized Absence. An unauthorized absence from work for a period of three (3) consecutive working days may be considered a resignation, and the employee shall not be entitled to severance benefits.

C. Retirement.

No city employee shall be required to retire at any specific age.

D. For Disciplinary Reasons.

Employees may be discharged for disciplinary reasons as outlined in Chapter X.

E. Severance Pay of Unused Sick Leave.

The City of Shakopee appreciates employees, who through long-term service and dedication, contribute to making the city a successful and positive service provider. In recognition thereof, the city provides an escalating sick leave payout based on years of service. Any benefits-eligible employee who is separated from his/her position by retirement, layoff or resignation shall receive a pay out of their accrued sick leave according to the following schedule:

Years of Continuous Service Completed	Percentage of Accrued Sick Leave Paid-Out
0 - 4 years	0%
5 – 14 years	45%
15 years	55%
16 years	57%
17 years	59%
18 years	61%
19 years	63%
20 years	65%
21 years	67%
22 years	69%
23 years	71%
24 years	73%
25 years	75%

*Anniversary date of full-time employment or part-time benefit-eligible date is used to compute years of service with Shakopee.

A percentage of this lump sum payment may be deposited into the employee's Post Employment Health Care Savings Plan.

Employees who are discharged for disciplinary reasons are not entitled to severance pay. Employees who resign without giving two (2) weeks written notice, except for reasons of ill health, may forfeit their rights to all accumulated sick leave.

F. Compensatory Time.

An employee who is separated for any reason shall be paid for any accumulated compensatory time.

G. Vacation Time.

An employee who is separated for any reason shall be paid for any accumulated vacation leave.

H. Lay-offs.

1. Procedure. After at least two weeks' notice to the employee, the city administrator may lay-off any employee serving in a position that is not currently needed. No regular employee shall be laid off while there is a probationary or temporary employee serving in the same position for which the regular employee is qualified, eligible and available.

2. **Benefits.** Benefits and leaves shall not accrue while an employee is laid off. Employees may elect to have any accrued vacation and compensatory time paid out to them at the time of a lay off or may choose to retain any balance until such time as they are either called back to work or officially terminated. Laid off employees may also elect to continue medical, dental and life insurance coverage by paying both the employer and employee share of the monthly premium(s) in advance by the first of each month.
3. **Return to Work.** If the City Council determines there is a need to reinstate laid-off employees, the impacted employee(s) shall be notified in writing of their reinstatement. Laid-off employees are responsible for keeping the city informed of the address and telephone number where the employee can be contacted. If the city is unable to contact the employee within seven calendar days, the city's obligation to reinstate the employee shall cease and the employee shall be separated from city employment by the City Council. The employee shall be entitled to applicable severance benefits.
4. **Termination of Position.** If the position is not filled again within one year, the position shall be eliminated and the employee terminated. The employee shall be entitled to applicable severance benefits.

I. Involuntary Separation Pay for Long Term Employees.

1. **Eligibility.** A full-time, non-union employee who has been employed by the city for five or more years, and whose position has been eliminated resulting in an involuntary separation may be eligible for additional involuntary separation pay from the city. An employee who is discharged for cause or allowed to resign in lieu of discharge; whose position is funded by state or federal grants for a specified period of time and this time period has expired; or who resigns voluntarily or is unable to perform his or her job due to a disability is not eligible for involuntary separation pay.
2. **Benefits.** Eligible employees will receive the following benefits, in addition to the benefits covered elsewhere in this policy.
 - e. One week of pay at their current pay rate for each year of service, to a maximum of twelve weeks of pay.

- f. Outplacement assistance up to a maximum of \$2,000 per employee. The amount of assistance shall be determined by the City Council, upon recommendation of the city administrator, and shall take into consideration the type of position affected and market factors that may affect re-employment. The assistance shall be made in the form of reimbursement and shall be made after the receipt of written documentation for eligible expenses. Employees must sign a separation agreement at the time of separation, request reimbursement within 6 months of separation from employment, and utilize their outplacement assistance within 12 months (unless an extension is approved by the City Council.).
- 3. Procedure. The involuntary separation pay will be based on the employee's current rate at the time of separation. It will be paid in a lump sum two weeks after the employee's last paycheck. Employees will be notified in writing of applicable dates and severance benefits.